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November 19, 2007

BY HAND

Honorable James C. Francis
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Angel Quiles v. City of New York, et al., 07 CV 6794 (RJH)(JCF)

Dear Magistrate Judge Francis:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and attorney for defendant The City of New York. I am writing with the consent of plaintiff's counsel, Matthew Flamm, Esq., to respectfully request a sixty (60) day enlargement of time from November 19, 2007, until January 18, 2007, within which this office may answer or otherwise respond to the complaint. This is the first request made by this office for an enlargement of time in this action.

The complaint alleges, inter alia, that plaintiff Angel Quiles was falsely arrested/imprisoned and subjected to excessive force. In addition to the City of New York, plaintiff also purports to name Police Officer John Santiago, Police Sergeant Justin Scanlon and Police Officer Todd Olsen as defendants. Before this office can adequately respond to the complaint, we will need to conduct an investigation into the facts of the case. The enlargement of time will afford us the opportunity to investigate the matter.

Moreover, the enlargement will allow us to ascertain whether the individually named defendants have been served¹. If service has been effectuated then, pursuant to Section 50-k of the New York General Municipal Law, this office must determine, based on a review of the case, whether we may represent the individually named defendant. The named defendant must then decide whether he/she wishes to be represented by this office. If so, we must obtain

¹ Although this office does not currently represent Officer Santiago, Sergeant Scanlon or Officer Olsen, and assuming they were properly served, this office also respectfully requests this extension on their behalf in order to prevent their defenses from being jeopardized while representational issues are being resolved.

his/her written authorization. Only after this procedure has been followed can we determine how to proceed in this case. See *Mercurio v. The City of New York et al.*, 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting *Williams v. The City of New York et al.*, 64 N.Y.2d 800, 486 N.Y.S. 2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

In view of the foregoing, it is respectfully requested that the Court grant the within request extending the City's time to answer or otherwise respond to the complaint until January 18, 2008. //

Thank you for your consideration in this regard.

Respectfully submitted,

Meghan Cavalieri

Meghan A. Cavalieri (MC 6758)
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cc: VIA FACSIMILE
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11/20/07
Application granted.
SO ORDERED.
James C. Flamm IV
USMJ